



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 5

COPY MAILED

SEP 10 2001

OFFICE OF PETITIONS

SCHIFF HARDIN & WAITE
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

In re Application of :
Haferbeck, et al. :
Application No. 09/826,357 :
Filed: June 14, 2000 :
Attorney Docket No.: P00,1277 :
For: ATM SWITCHING EQUIPMENT HAVING: :
A SWITCHING NETWORK :

LETTER HOLDING DECISION
ON PETITION IN ABEYANCE

This is in response to the petition under 37 CFR 1.10(e), filed May 14, 2001, requesting that the above-identified application be accorded a filing date of June 14, 2000.

Petitioner alleges that the application was deposited in Express Mail service ON June 14, 2000. Petitioner has provided evidence to this effect, including a copy of an "Express Mail Post Office to Addressee" mailing label bearing label number EL568799959US. The same Express Mail label number is referred to in the copy of the original Application Transmittal Letter submitted with the instant petition.

It is noted that the application transmittal letter filed on June 14, 2000, identifies two sheets of drawings and an unexecuted declaration as parts of the application. A copy of the unexecuted declaration was supplied on April 5, 2001. However, no drawings were supplied on April 5, 2001. It is unclear whether the omission of drawings on April 5, 2001, was intentional and that the reference to two sheets of drawings in the transmittal letter filed on June 14, 2000, was an error or that an incomplete copy of the application was supplied on April 5, 2001.

As a result, a decision on applicants' entitlement to a filing date of June 14, 2000, must be held in abeyance pending receipt of additional evidence concerning the filing of Figures 1 and 2.

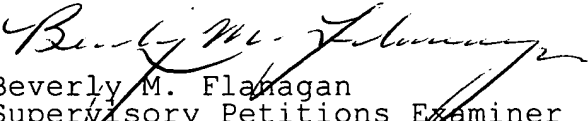
If counsel's file for this application indicates that drawings of Figures 1 and 2 were filed on June 14, 2000, applicants reply to this letter must include a copy of Figures 1 and 2 accompanied by a statement confirming that counsel's file indicates that drawings of Figures 1 and 2 were filed on June 14, 2000. On the other hand, if counsel's file indicates that drawings of Figures 1 and 2 were not filed on June 14, 2000, applicants' reply must so state.

Applicants are given TWO MONTHS from the mailing date of this letter to file a reply. This time period is not extendable under 37 CFR 1.136(a). Failure to timely reply will result in the return of the application to the Office of Initial Patent Examination to await the drawings required in the Notice mailed June 21, 2001, and, in which case, the assignment of a filing

date as of the date of submission of Figures 1 and 2.

The application will be retained in the Office of Petitions to await the applicants's reply to this letter.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy